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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,312	03/31/2000	Michael Becker	5478	1264
7590	04/08/2005		EXAMINER	
PATRICK J. O' SHEA O'SHEA, GETZ & KOSAKOWSKI, P.C. 1500 MAIN STREET SUITE, 912 SPRINGFIELD, MA 01115			GRIER, LAURA A	
		ART UNIT	PAPER NUMBER	
		2644		

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/540,312	BECKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura A Grier	2644	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 18 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3,5,7,8,10,12-17,22-24 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-3, 5, 7-8, 10, 31--33 is/are allowed.
- 6) Claim(s) 12-17,22-24,28 and 30 is/are rejected.
- 7) Claim(s) 29 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date: _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The indicated allowability of claims 19 (cancelled – now incorporated into claim 30) is withdrawn in view of the newly discovered reference(s) to Tanihira et al. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 12-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 12 (dependent claims 13-17) recites the limitation "first sound generating input unit" in line 8 and 11, respectively. There is insufficient antecedent basis for this limitation in the claim.
6. Regarding claim 12, line 8 and 11, respectively recites "first sound generating input unit". It is unclear as whether or not the first sound system input and the first sound generating input unit is the same device.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 30, 22-24, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanihira et al., U. S. Patent No. 5574514.

Regarding claim 30, Tanihira discloses an audio/video device for a communication system. Tanihira's disclosure, in the environment of a automobile/vehicle, comprises audio, video and multimedia devices (electronic device(s) or unit(s)) – figure 2 - 63, 31-35, 41, and 43 - that inherently constitute as inputs units for receiving a priority value and having an interface, as evident by the fact that the priority value of each unit is stored in the memory of the device which gives a particular unit functioning priority of another device based on the unit's priority value, which reads on a 1<sup>st</sup> and 2<sup>nd</sup> input unit, a bus (71) – abstract, col. 2, lines 55-62, col. 3, lines 1-45, col. 4, lines 55-col. 5, lines 1-9, which constitutes as a system bus; the audio devices (31-35), reads on a plurality of sound system generating components, therein.

Regarding claim 22-24, and 28, Tanihira discloses everything claimed as applied above (see claim 30). Tanihira's disclosure indicates that priority values of the respective electronic units (audio, video and multimedia) are transmitted respectively throughout the bus when activated which indicates which device has priority over the other in respect to each stored

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priority valued stored in its memory.(abstract), which reads on the respective claim limitations, therein.

***Double Patenting***

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claim 12 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6157725 in view of 5574514.

Regarding claim 12, Becker discloses in claims 1, 6-8, and 11-12, and 26, a control unit, a display and input unit, multimedia units, a multimedia unit for generating audio source data and bus system, which indicates sending a control signal, receiving from each multimedia data generating unit, and configuring a display, all in respect to implement a functional scope of authority. However, Becker fails to disclose the control unit (signal) including a priority value for the input unit.

Regarding the priority value, in a similar field of endeavor, Tanihira discloses a communication system within a vehicle that includes each electronic unit (audio, video or multimedia unit) comprising a priority value which is transmitted along with informational data

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of a device that allows respective electronic units to have priority over the other in respect to it priority value (abstract and col. 2, lines 55-62, col. 3, lines 1-45, col. 4, lines 55-col. 5, lines 1-9 and figure 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Becker by providing priority values to be transmitted along with other audio information for various audio or audio related devices for the purpose of enabling automatic control of various audio or multimedia device with functioning the same system in respect to the device's superior performance characteristics as taught by Tanihira.

Regarding claim 13, Becker and Tanihira discloses everything claimed as applied above (see claim 12). Becker discloses in claim 26 a memory unit, wherein upon the an attendant may make modifications, which reads on receiving and storing functional scope information.

However, Becker fails to disclose the control unit (signal) including a priority value for the input unit.

Regarding the priority value, in a similar field of endeavor, Tanihira discloses a communication system within a vehicle that includes each electronic unit (audio, video or multimedia unit) comprising a priority value which is transmitted along with informational data of a device that allows respective electronic units to have priority over the other in respect to it priority value (abstract and col. 2, lines 55-62; col. 3, lines 1-45, col. 4, lines 55-col. 5, lines 1-9 and figure 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Becker by providing priority values to be transmitted along with other audio information for various audio or audio related devices for the purpose of

enabling automatic control of various audio or multimedia device with functioning the same system in respect to the device's superior performance characteristics as taught by Tanihira.

Regarding claim 14, Becker and Tanihira discloses everything claimed as applied above (see claim 12). Becker discloses in claim 26 a memory unit, wherein upon the an attendant may make modifications, which reads on receiving and storing functional scope information.

However, Becker fails to disclose the control unit (signal) including a priority value for the input unit.

Regarding the priority value, in a similar field of endeavor, Tanihira discloses a communication system within a vehicle that includes each electronic unit (audio, video or multimedia unit) comprising a priority value which is transmitted along with informational data of a device that allows respective electronic units to have priority over the other in respect to its priority value (abstract and col. 2, lines 55-62, col. 3, lines 1-45, col. 4, lines 55-col. 5, lines 1-9 and figure 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Becker by providing priority values to be transmitted along with other audio information for various audio or audio related devices for the purpose of enabling automatic control of various audio or multimedia device with functioning the same system in respect to the device's superior performance characteristics as taught by Tanihira.

***Allowable Subject Matter***

11. Claim 1-3, 5, 7, 8, 10 and 31-33 are allowed.

12. Claim 29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 15-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

14. Applicant's arguments with respect to claims 1-3, 5, 7-8, 10, 12-17, 22-24, 28-33 have been considered but are moot in view of the new ground(s) of rejection.

The applicant made remarks in respect to the amended changes of previously objected subject matter. However, in respect further consideration a new rejection has been provided based on a Double Patenting Rejection and another new reference of prior art related to the invention's concept of providing priority values to audio or audio related device connected together in a audio system with a vehicle.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura A. Grier  
April 4, 2005